

Docket Number: 3991

RANDY GOOD

Neal A. Sanders, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~
~~Jeffrey M. Spotts, Assistant Counsel~~
~~Robert J. Shea, Assistant Chief Counsel~~

CLOSED

***June 10, 2010**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$24,793.57+

June 10, 2010

Board issued Acknowledgement letter and forwarded a copy of the Claim to Attorney General.

June 15, 2010

Attorney General filed Acknowledgement of Claim dated June 10, 2010. Receipt of same acknowledged on June 11, 2010.

July 12, 2010

Defendant filed Preliminary Objections and Brief in Support. [08A081310]

July 13, 2010

Board forwarded letter to Plaintiff, with copy to Defendant, advising Plaintiff of rules for filing responses/briefs.

August 13, 2010

Plaintiff filed Opposition to Defendant's Preliminary Objections.

September 1, 2010

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 1st day of September, 2010, upon consideration of the Commonwealth of Pennsylvania, Department of Transportation's Preliminary Objections to Randy Good's Complaint, it is hereby **ORDERED** and **DECREED** that the Department of Transportation's preliminary objection for failure to state a claim upon which relief can be granted is **DENIED**. It is further **ORDERED** and **DECREED** that the Department of Transportation's preliminary objection for lack of specificity with regard to pleading lost profits is **GRANTED**. Mr. Good's claim for reinstatement of the contract has been withdrawn and the issue raised by Defendant's first preliminary objection will be considered moot by the Board. Mr. Good shall have 30 days from the exit date of this Order to file an amended statement of claim in accord with the foregoing Opinion." Copy forwarded to Plaintiff and Defendant.

September 7, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated September 1, 2010. Receipt of same acknowledged on September 3, 2010.

September 9, 2010

Defendant filed Acceptance of Service of Opinion and Order dated September 1, 2010. Receipt of same acknowledged on September 3, 2010.

***September 28, 2010**

Plaintiff filed Amended Statement of Claim and proof of mailing. Amount of Claim: \$165,620.

September 28, 2010

Board issued Acknowledgement letter and forwarded a copy of the Amended Claim to Attorney General.

October 5, 2010

Attorney General filed Acknowledgement of Amended Claim dated September 28, 2010. Receipt of same acknowledged on October 4, 2010.

October 28, 2010

Defendant filed Answer, New Matter and Counterclaim.

November 2, 2010

Board forwarded letter to Plaintiff, with copy to Defendant, advising Plaintiff of rules for filing responses/briefs.

November 15, 2010

Plaintiff filed Reply to New Matter and Answer to Counterclaim.

November 15, 2010

Board forwarded letter to parties directing parties to commence with discovery.

November 19, 2010

Defendant filed Reply to New Matter to Counterclaim.

February 2, 2011

Defendant filed Notice of Service of Defendant's Response to Plaintiff's First Set of Interrogatories and Request for Production of Documents.

July 12, 2011

Defendant requested by telephone one 234.1 - to attend with duces tecum and one 4009.21 - to produce documents subpoena.

July 12, 2011

Board forwarded (one 234.1 - to attend with duces tecum and one 4009.21 - to produce documents subpoena dated July 12, 2011 to Defendant.

July 15, 2011

Plaintiff requested by telephone two 234.1 - to attend with duces tecum subpoenas.

July 19, 2011

Board forwarded two 234.1 - to attend with duces tecum subpoenas dated July 19, 2011 to Plaintiff.

August 25, 2011

Plaintiff filed a letter notifying the Board that Plaintiff wishes to proceed to a hearing.

August 26, 2011

Board forwarded letter to parties requesting scheduling information.

September 7, 2011

Plaintiff transmitted (via fax) its proposed scheduling order.

September 12, 2011

Defendant transmitted (via fax) its proposed scheduling order.

September 12, 2011

Plaintiff filed (via U.S. mail) its proposed scheduling order.

September 13, 2011

Board rendered a scheduling order. Scheduling order as follows: **"AND NOW**, this 13th day of September, 2011, it is hereby **ORDERED** and **DECREED** as follows: 1. Per agreement of the parties, there shall be no expert reports or expert testimony presented at hearing; 2. All discovery shall be completed by November 30, 2011; 3. The last day for filing pre-trial motions is December 16, 2011; 4. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than February 1, 2012 (Please note BOC R.P. 501(b) and (c)(3)); 5. A pre-trial conference is scheduled for Wednesday, February 8, 2012 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor,

Harrisburg, PA 17101; 6. This matter is set for hearing to begin on Monday, March 12, 2012 and to run through Thursday, March 15, 2012, or as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

September 19, 2011

Defendant filed Acceptance of Service of Scheduling Order issued September 13, 2011. Receipt of same acknowledged September 15, 2011.

September 19, 2011

Plaintiff filed Acceptance of Service of Scheduling Order issued September 13, 2011. Receipt of same acknowledged September 15, 2011.

November 1, 2011

Defendant filed Notice of Service of Requests for Admissions.

January 31, 2012

Plaintiff transmitted via fax Plaintiff's pre-hearing memorandum.

January 31, 2012

Defendant filed pre-trial statement.

February 2, 2012

Plaintiff filed pre-hearing memorandum.

February 8, 2012

Pre-trial conference held at 1:00 p.m. at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101.

February 8, 2012

Plaintiff requested, in person, three subpoenas 234.1 - to attend with duces tecum.

February 9, 2012

Board forwarded three subpoenas 234.1 - to attend with duces tecum dated February 9, 2012 to Plaintiff.

February 10, 2012

Board forwarded letter to parties advising them that the hearing scheduled to begin March 12, 2012 and run through March 15, 2012, will now be held at the Bishop Connare Center located at 2900 Seminary Drive, Greensburg, PA.

February 15, 2012

Defendant transmitted via facsimile a letter advising that the parties have reached a settlement agreement.

February 16, 2012

Plaintiff transmitted via facsimile a facsimile cover letter confirming the notice letter dated February 15, 2012 that the parties reached a settlement.

February 21, 2012

Defendant filed via U.S. mail a letter advising that the parties have reached a settlement agreement.

April 12, 2012

Parties have filed a joint praecipe to discontinue with prejudice.

April 18, 2012

Board rendered an Order. Order as follows: "**AND NOW**, this 18th day of April, 2012, upon receipt of a joint praecipe executed by Neal A. Sanders, Esquire, on behalf of Plaintiff, Randy Good, and Jeffrey M. Spotts, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board kindly discontinue with prejudice the above-captioned matter, including the underlying claim and counterclaim, marking both settled and closed, under date of April 12, 2012, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

April 23, 2012

Plaintiff filed Acceptance of Service of Order dated April 18, 2012. Receipt of same acknowledged April 20, 2012.

April 25, 2012

Defendant filed Acceptance of Service of Order dated April 18, 2012. Receipt of same acknowledged April 19, 2012.
